

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
Southern District of Texas

UNITED STATES DISTRICT COURT

SEP - 1 2016

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America)

v.)

Joshua OSORNO Elizondo (Mexican National)
1993)Case No. *M-16-1607-M-01**Defendant*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 08/31/2016 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18/21 U. S. C. § 922(g)(5)/841, an offense described as follows:

possession of a firearm or ammunition, which has affected interstate commerce, by an individual who is an alien, illegally and unlawfully present in the United States,

defendant did knowingly and intentionally possess with the intent to distribute approximately 15.48 kilograms of cocaine a scheduled II controlled substance

This criminal complaint is based on these facts:

see attached

☒ Continued on the attached sheet.*approved by*
*[Signature]**[Signature]*

Complainant's signature

Raul Garza Jr., Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/31/2016 *10:01 am**[Signature]*

Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, US Magistrate Judge

Printed name and title

On August 31, 2016, McAllen, Texas, Police Department (McPD) received a call reporting subjects with weapons loading suspicious packages into a residence located at 6007 N 46 Lane in McAllen, Texas. McPD patrol officers responded to the residence and made contact with Joshua OSORNO and Eduardo CAVAZOS.

McPD officers identified OSORNO as the homeowner and obtained a written consent to search for his residence and vehicles. As a result of the consent to search, McPD officers discovered four weapons in the master bedroom closet identified as a Derringer .32 caliber serial #148325, J.P. Sauer & Sohn .22 caliber Serial#37316/2, Bersa S.A Thunder 380cc .380 caliber Serial #904202 , and Walther P22 .22 caliber serial #L247992.

A further search of the residence resulted in the discovery of an additional weapon identified as a Smith & Wesson SD40 VE .40 caliber Serial #HEY3955 and a magazine containing 8 rounds of .40 caliber ammunition in a kitchen drawer. McPD also discovered two boxes of ammunition containing 92 rounds of .380 caliber ammunition in the kitchen area.

McPD Officers searched the Chevrolet Cruze, displaying Texas License plates HCS 6834, which was located in the garage of the residence. The Chevrolet Cruze was found to contain a non-factory compartment in the rear seat. A further inspection of the compartment resulted in the discovery of 13 bundles of a white powdery substance. The white powdery substance was field tested and a positive reaction for cocaine was detected. The total weight of the suspected cocaine was 15.48 kilograms. McPD also located the rental agreement for the residence, which displayed OSORNO's name, inside the Chevrolet Cruze.

Law enforcement database records revealed that OSORNO was previously deported alien who was formally deported from the United States to Mexico on at least one occasion on November 2013.

The firearms meet the federal definition of a firearm and ammunition pursuant to Title 18, United States Code Section 921.

The firearms seized from the home affected interstate and foreign commerce in that they were manufactured outside the state of Texas.